

**SENATE JOURNAL
65TH LEGISLATURE
FIFTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
March 17, 2017

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Sands. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Gross and Howard excused. Quorum present.

Rebekah Mohr, a member of the Senate staff, entertained the Senate with Irish songs on the violin.

BILLS AND JOURNALS (Keenan, Chair): 3/17/2017

Correctly printed: **SB 235, SB 350, SB 351, SR 49, SR 52, SR 53, HB 38, HB 44, HB 62, HB 124, HB 201, HB 217, HB 282, HB 285, HB 288, HB 323, HB 334, HB 337, HB 338, HB 345, HB 362, HB 388, HB 422, HB 447, HB 498, HB 500, HB 520, HB 523.**

Correctly engrossed: **HB 126, HB 129, HB 147, HB 149, HB 156, HB 251.**

Correctly enrolled: **SB 2, SB 6, SB 28, SB 67, SB 91, SB 165, SB 189.**

Examined by the sponsor and found to be correct: **SB 2, SB 6, SB 28, SB 67, SB 91, SB 165.**

Signed by the President at 10:00 a.m., March 17, 2017: **SB 108, SB 137.**

Signed by the Secretary of the Senate at 11:10 a.m., March 17, 2017: **SB 108, SB 137.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 3/16/2017

SR 49, be adopted.

HB 126, be amended as follows:

1. Title, page 1, line 15.

Following: "MCA;"

Insert: "REPEALING SECTION 80-8-214, MCA;"

Strike: "AN IMMEDIATE"

Strike: "DATE"

Insert: "DATES"

2. Page 18, line 6 through line 10.

Strike: section 9 in its entirety

Renumber: subsequent sections

3. Page 21.

Following: line 12

Insert: "NEW SECTION. **Section 14. Repealer.** The following section of the Montana Code Annotated is repealed:

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80-8-214. Liability."

Renumber: subsequent sections

4. Page 21, line 20

Strike: "date"

Insert: "dates"

Strike: "[This act]"

Insert: "(1) Except as provided in subsection (2), [this act]"

5. Page 21, line 21.

Insert: "(2) [Section 14] is effective October 1, 2019."

And, as amended, be concurred in.

HB 338, be concurred in.

HB 345, be concurred in.

HB 523, be concurred in.

JUDICIARY (Regier, Chair):

3/17/2017

HB 251, be amended as follows:

1. Page 1, line 12.

Following: "FIREARM"

Strike: "OR" through "45-2-101"

2. Page 1, line 19.

Strike: "**weapons**"

Insert: "firearms"

3. Page 1, line 22.

Strike: "or other" through "45-2-101"

4. Page 1, line 27.

Strike: "any" through "(1)"

Insert: "a firearm"

And, as amended, be concurred in.

HB 273, be concurred in.

TAXATION (Blasdel, Chair):

3/17/2017

HB 30, be concurred in.

HB 396, be concurred in.

Without objection, committee reports were adopted.

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REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 25**
Report No. 001, March 16, 2017

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 25** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 25** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 5 through line 7.

Following: "LAWS;" on line 5

Strike: "PROVIDING THAT" on line 5 through "SPORTS LEAGUES;" on line 7

2. Page 2, line 27.

Following: "1"

Insert: "or"

3. Page 2, line 29 through page 3, line 7.

Strike: "; or" on page 2, line 29 through "OLDER" on page 3, line 7.

For the Senate:

Blasdel, Chair

Buttrey

Facey

For the House:

Mortensen, Vice Chair

Ricci

Schreiner

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/16/2017

SB 182, introduced by M. Lang

SB 228, introduced by D. Ankney

SB 318, introduced by C. Boland

Senate bill concurred in and returned to the Senate: 3/17/2017

SB 229, introduced by F. Moore

House bills passed and transmitted to the Senate for concurrence: 3/16/2017

HB 308, introduced by C. Schreiner

HB 434, introduced by K. Flynn

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HB 564, introduced by J. Patelis

House bill passed and transmitted to the Senate for concurrence: 3/17/2017

HB 2, introduced by N. Ballance

Senate amendments to House bills concurred in: 3/16/2017

HB 3, introduced by N. Ballance

HB 148, introduced by D. Zolnikov

HB 256, introduced by C. Knudsen

Conference Committee Report No.1 adopted: 3/16/2017

HB 172, introduced by R. Fitzgerald

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 352, introduced by A. Olszewski, N. Ballance, S. Berglee, M. Blasdel, D. Brown, E. Buttrey, A. Doane, J. Essmann, J. Fielder, G. Hertz, S. Hinebauch, J. Hinkle, M. Hopkins, D. Howard, D. Kary, B. Keenan, T. Manzella, M. Noland, R. Osmundson, A. Redfield, K. Regier, D. Salomon, C. Smith, N. Swandal, F. Thomas, G. Vance, K. Wagoner, R. Webb, D. Zolnikov, referred to State Administration.

SB 353, introduced by E. Buttrey, F. Moore, F. Thomas, referred to Taxation.

The following Senate bill was introduced and read first time:

SB 354, introduced by M. Caferro, K. Abbott, J. Cohenour, P. Connell, R. Cook, G. Custer, J. Eck, T. Gauthier, B. Grubbs, B. Hamlett, J. Keane, J. Knokey, W. McKamey, S. Morigeau, R. Peppers, M. Phillips, T. Richmond, W. Sales, D. Salomon, D. Sands, J. Sesso, R. Shaw, F. Smith, S. Stewart-Peregoy, R. Tempel, R. Webb, T. Welch, L. Whitford, J. Windy Boy.

The following House bills were introduced, read first time, and referred to committees:

HB 2, introduced by N. Ballance (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

HB 308, introduced by C. Schreiner, referred to Taxation.

HB 434, introduced by K. Flynn, D. Bartel, B. Brown, J. Cohenour, A. Doane, R. Fitzgerald, W. Galt, C. Glimm, S. Gunderson, B. Hamlett, B. Harris, D. Kary, D. Mortensen, A. Redfield, B. Tschida, Beard, Jacobson, Knokey, A. Knudsen, C. Knudsen, Loge, and Vinton, referred to Fish and Game.

HB 564, introduced by J. Patelis, M. Blasdel, R. Cook, A. Curtis, R. Fitzgerald, W. Galt, E. Hill

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Smith, M. Hopkins, J. Keane, J. Knokey, S. Lavin, R. Lynch, D. Mortensen, R. Shaw, D. Skees, S. Vinton, D. Zolnikov, referred to Business, Labor, and Economic Affairs.

The following House bills, previously introduced, were referred to committees:

HB 216, introduced by J. Keane, T. Richmond, referred to Energy and Telecommunications.

HB 442, introduced by V. Court, J. Karjala, K. Kelker, M. MacDonald, K. McCarthy, M. McNally, J. Patelis, T. Richmond, R. Webb, D. Zolnikov, referred to Taxation.

MOTIONS

Majority Leader Thomas moved to take **HB 358** from today's second reading agenda and place it on second reading Wednesday, March 22, 2017. Without objection, so ordered.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Richmond in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 137 - Senator Facey moved **HB 137** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Hinebauch, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Welborn, Whitford, Wolken.

Total 36

Nays: Blasdel, Fielder, Gauthier, Hinkle, Kary, Keenan, Lang, Moore, Olszewski, Vincent, Webb, Mr. President.

Total 12

Absent or not voting: None.

Total 0

Excused: Gross, Howard.

Total 2

HB 145 - Senator Fitzpatrick moved **HB 145** be concurred in. Motion carried as follows:

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Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

HB 470 - Senator Salomon moved **HB 470** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

HB 421 - Senator L. Jones moved **HB 421** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

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Absent or not voting: None.

Total 0

Excused: Gross, Howard.

Total 2

SB 299 - Senator Thomas moved consideration of **SB 299** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 20 - Senator Connell moved **HB 20** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gross, Howard.

Total 2

HB 22 - Senator Ankney moved **HB 22** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gross, Howard.

Total 2

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HB 297 - Senator Wolken moved **HB 297** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

HB 208 - Senator Swandal moved **HB 208** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

Senator Phillips assumed the chair.

SB 299 - Senator Richmond moved **SB 299** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 33

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Nays: Barrett, Boland, Brown, Caferro, Cohenour, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Smith F, Whitford, Wolken.
Total 15

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Richmond moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: MacDonald, Sands.
Total 2

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 62, as amended by the House, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gross, Howard.

Total 2

SB 235 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.

Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Vuckovich, Whitford, Wolken.

Total 16

Absent or not voting: None.

Total 0

Excused: Gross, Howard.

Total 2

HB 38 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gross, Howard.

Total 2

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HB 65, as amended by the Governor, concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

HB 124 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

HB 172, Conference Committee Report No. 1, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Lang, McClafferty, McNally, Moore, Osmundson, Phillips, Richmond, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 39

Nays: Brown, Keenan, MacDonald, Malek, Olszewski, Pomnichowski, Regier, Salomon, Smith

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F.

Total 9

Absent or not voting: None.

Total 0

Excused: Gross, Howard.

Total 2

HB 282 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.

Total 43

Nays: Brown, Hinkle, Keenan, Vance, Mr.President.

Total 5

Absent or not voting: None.

Total 0

Excused: Gross, Howard.

Total 2

HB 337 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gross, Howard.

Total 2

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HB 498 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

SPECIAL ORDERS OF THE DAY

Senator Blasdel thanked the Pages for their service this week.

MOTIONS

Majority Leader Thomas moved that **HB 22**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, March 20, 2017, the fifty-seventh legislative day. Motion carried.

Senate adjourned at 1:55 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate